

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

|                          |   |                          |
|--------------------------|---|--------------------------|
| United States of America | ) |                          |
|                          | ) | Cr. No. 6:05-00815-HMH   |
| vs.                      | ) |                          |
|                          | ) |                          |
| Nakeyo Natres Burke,     | ) | <b>OPINION AND ORDER</b> |
|                          | ) |                          |
| Movant.                  | ) |                          |

This matter is before the court on Nakeyo Natres Burke’s (“Burke”) “motion for production of sentencing transcripts and any objections to the PSR,” “motion for production of the guilty plea colloquy,” and motion to proceed in forma pauperis.

Under certain circumstances, an indigent litigant may obtain copies of items related to his criminal prosecution at government expense if he can show that he is contemplating some non-frivolous action in federal court and that the items requested are needed for just adjudication of such action. See 28 U.S.C. § 753(f) (2006); United States v. MacCollom, 426 U.S. 317, 325 (1976) (stating that a district judge may order the preparation of a transcript for a movant under 28 U.S.C. § 2255 if the judge finds that the suit is not frivolous and a transcript is needed to decide the issues presented). An indigent is not entitled to free copies “merely to comb the record in the hope of discovering some flaw.” United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963). Thus, to establish a constitutional right to court records, a petitioner must show a need for it. Burke has failed to show a particular need for the court records requested.

It is therefore

**ORDERED** that Burke's motions for production of sentencing transcripts and any objections to the PSR and production of the guilty plea colloquy, docket numbers 425 and 426, are denied. Further, it is

**ORDERED** that Burke's motion to proceed in forma pauperis, docket number 424, is moot.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
August 27, 2007

**NOTICE OF RIGHT TO APPEAL**

The movant is hereby notified of his right to appeal this order as to the court's ruling within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.